Single Bench

1.

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR [CHHATTISGARH]**

**WRIT PETITION NO. 252 OF 2005**

**PETITIONER**

Smt. Shivani Chakraborty, Aged about 36 years, W/o Shri Noni Gopal @ Amit Chakravarty, Assistant Gr. III, Labour Court, Bilaspur R/o Near Tarbahar Masjid, Tarbahar, Bilaspur (CG)

R.R. No. 252/05
Presented by Shri Pratibha Verma
dated 20-1-05

**- Versus -**

**RESPONDENTS:**

1. State of Chhattisgarh, Through the Secretary, Department of Labour, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.

2. Industrial Court, Chhattisgarh, through its Registrar, Raipur Chhattisgarh.

3. Presiding Officer, Labour Court, Bilaspur (CG)

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Addl. to A.G. Bilaspur

**WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT/WRITS, ORDER/ORDERS OF LIKE NATURE.**

The petitioner, above named, most respectfully begs to submit as under: -

1. **PARTICULARS OF THE PETITIONER**: -

As mentioned in the cause title.

2. **PARTICULARS OF THE RESPONDENTS**: -

As mentioned in the cause title.

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** W.P. 252/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|

**01/02/2005**

**Shri Sanjay K.Agrawal, counsel for the petitioner.**

**Shri Akhil Agrawal, P.L. for the State.**

**Heard on I.A. No. 542/2005 for urgent hearing. It is allowed.**

**The instant petition has been preferred by the petitioner against the order of Annexure P-1 by which the petitioner has been promoted from Asstt. Grade III to Asstt. Grade II and has been transferred to Labour Court, Rajnandgaon.**

**Learned counsel for the petitioner submits that the petitioner has submitted representation against the above order in terms of Rule 17 of Chhattisgarh Public Service (Promotion) Rules 2003 and by this she has stated that her posting to Rajnandgaon should be reconsidered as she has to look after her husband as also her parents at Bilaspur and there is a vacancy of Asstt. Grade II in the Labour Court, Bilaspur and in case it is not possible to accommodate the petitioner at Bilaspur, then she may be permitted to forego the promotion.**

**Learned counsel for the petitioner further submits that the petitioner has a statutory right under Rule 17 of Chhattisgarh Public Service (Promotion) Rules 2003 and the respondents are duty bound to consider the same which is not decided yet.**

**Heard on M.W.P. No. 215/2005.**

**Learned counsel for the petitioner submits that the respondents are trying to take disciplinary action against the petitioner instead of deciding her representation vide Annexure P-2. Learned counsel for the petitioner submits that ends of justice shall be served if the respondents are directed to decide the representation of Annexure P-2 within a stipulated period and till the representation is decided, the petitioner shall be allowed to continue at the present place of posting.**

Gr. PRJ—FS/350—12/2000—50,000.

(99)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** WP 252/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश —2— | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|
| | **I have heard counsel for the petitioner and also for the State who has no objection if the petition is disposed of with a direction to the respondents to decide the representation within a stipulated period and till then the petitioner is allowed to continue in her present place of posting.**<br>**In the above circumstances, it is directed that the representation vide Annexure P-2 submitted by the petitioner to respondents shall be decided within a period of two months and the petitioner shall not be relieved in pursuance of the order of Annexure P-2 submitted by the petitioner, the petitioner shall be allowed to continue.**<br>**With the aforesaid direction, the petition is disposed of.**<br>**Consequently, M.W.P. No. 215/2005 & I.A. No. 542/2005 stands disposed of.**<br>**Sd/-**<br>**Dhirendra Mishra**<br>**Judge** | |

Sughra

GI. PRJ—FS/350—12/2000—50,000.